

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67243 of 2023**

Arising Out of PS. Case No.-143 Year-2023 Thana- LADANIA District- Madhubani

VIKKY PURBAY @ VIKASH PURBAY SON OF PRADIP KUMAR  
PURVE RESIDENT OF VILLAGE - KAMLABARI PURAB TOL WARD  
NO.13, POLICE STATION - JAY NAGAR, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      23-01-2024      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in Ladaniya P.S.  
Case No. 143 of 2023 registered for the offences punishable  
under Sections 392 of the Indian Penal Code.

3. Allegedly, some miscreants are said to have committed  
theft of the motor cycle of the informant. There was cash of Rs.  
79,600/- and documents relating to the loan in the *dickey* of the  
said motorcycle.

4. It is submitted by learned counsel for the petitioner  
that petitioner is quite innocent and has committed no offence.  
No incriminating article has been recovered from the physical  
possession of the petitioner and from his house rather the



motorcycle of the informant is said to have been recovered from the house of co-accused Sital Saday. Petitioner has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He is not named in the FIR. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. It is further submitted that as per the FIR, one white colour Activa Scooter was used in robbery while the prosecution has seized Badami colour T.V.S. Jupiter scooter from the house of the petitioner which had been purchased by the petitioner on 04.05.2023. The recovered cash amount was part of the capital of the shop of the petitioner's father. There is no role of the petitioner in the present case. He has two criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that the allegation levelled against the petitioner is serious in nature and further relies upon the judgment of the Apex Court in the case of ***Indresh Kumar v/s. The State of UP & Anr.*** reported in Criminal Appeal No. 938 of 2022.

6. Considering the facts and circumstances of the case as



well as the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

**(Anjani Kumar Sharan, J)**

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